

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA**

United States of America,

Plaintiff;

v.

Alamance County, *et al.*,

Defendants.

No. 11-cv-507

UNITED STATES' UNOPPOSED
MOTION TO DISMISS THE
AMENDED COMPLAINT AS MOOT

The United States respectfully asks this Court to dismiss its Amended Complaint, ECF No. 17, and this action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). In support of this Motion, the United States submits its Memorandum of Law and Exhibit A. As set forth in the Memorandum of Law, the United States has concluded its 27-month investigation of the Alamance County Sheriff's Office ("ACSO") and today issued the formal Findings of that investigation. The United States no longer seeks to interview ACSO personnel for investigative purposes. Accordingly, the United States' claim regarding the application of North Carolina Rule of Professional Conduct 4.2 is moot because there is no "actual controversy" ripe for declaratory relief. Counsel for Alamance County and Sheriff Johnson consent to this request.

Respectfully submitted,

RIPLEY RAND
United States Attorney
Middle District of North Carolina

THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division

GILL P. BECK
North Carolina Bar Number: 13175

ROY L. AUSTIN, JR.
Deputy Assistant Attorney General

Assistant United States Attorney
Chief, Civil Division
Middle District of North Carolina
P.O. Box 1858
Greensboro, NC 27402
Tel: (336) 333-5351
gill.beck@usdoj.gov

Civil Rights Division

JONATHAN M. SMITH
Chief
Special Litigation Section
Civil Rights Division

AVNER M. SHAPIRO
DC Bar Number: 452475
Special Counsel
Special Litigation Section
Civil Rights Division

s/ Samantha K. Trepel
SAMANTHA K. TREPEL
DC Bar Number: 992377

s/ Michael J. Songer
MICHAEL J. SONGER
DC Bar Number: 975029
Trial Attorneys
United States Department of Justice
Civil Rights Division
Special Litigation Section
950 Pennsylvania Avenue, N.W.
Washington, DC 20530
Tel: (202) 514-6255
Fax: (202) 514-4883
samantha.trepel@usdoj.gov
michael.songer@usodj.gov

Attorneys for the United States

CERTIFICATE OF SERVICE

I certify that the foregoing United States' Motion To Dismiss the Amended Complaint as Moot was served through the electronic filing service on September 18, 2012, to the following individuals:

Clyde B. Albright
Benjamin C. Pierce
Alamance County Attorney's Office
124 West Elm Street
Graham, NC 27253
clyde.albright@alamance-nc.com
ben.pierce@alamance-nc.com

Attorneys for Defendant Alamance County

S.C. Kitchen
Turrentine Law Firm
920-B Paverstone Dr
Raleigh, NC 27615
ckitchen@turrentinelaw.com

Attorney for Defendants ACSO and Sheriff Johnson

s/ Samantha K. Trepel
SAMANTHA K. TREPEL
Attorney for the United States